

SAMPSON STANFILL.

[To accompany Bill H. R. No. 724.]

MAY 18, 1860.

Mr. C. ROBINSON, from the Committee on the Judiciary, made the following

REPORT.

*The Committee on the Judiciary, to whom was referred the petition of John Netherland and others, for the relief of Sampson Stanfill, report :*

This case presents the following facts: Lewis J. Stanfill, at the term of the United States circuit court holden at Knoxville, in the State of Tennessee, in November, A. D. 1858, was charged with having passed counterfeit coin purporting to be a Mexican silver dollar, and upon this charge an indictment was found against him. The said Stanfill and his father, Sampson Stanfill, entered into a recognizance in the penal sum of two thousand dollars, conditioned for the appearance of the said Lewis J. Stanfill, to appear before said court to answer said complaint, and not to depart said court without leave. The said Stanfill did appear to answer said indictment and the same was called for trial. The court, upon examination of the law, decided that the offence was not within its jurisdiction, but no formal judgment of discharge was rendered. The respondent left the court and subsequently a default was obtained upon the recognizance, and a judgment subsequently rendered in favor of the United States against Sampson Stanfill, the father of the original respondent, for the sum of two thousand dollars and costs. Upon this judgment, the said Sampson Stanfill, has paid to the United States the sum of one thousand dollars and costs, leaving the balance of said judgment unpaid.

And the prayer of the memorialists is that the said Sampson Stanfill, the surety, may be relieved from the payment of the remainder of said judgment.

The committee think that the case presents only a technical default of said recognizance; the party did appear to take his trial before a jury impanelled to try the cause, when, upon examination of the law and the indictment, the court decides it has no jurisdiction over the offence charged. This decision legally put an end to the indictment,

though there was no formal discharge. The surety has already paid the sum of one thousand dollars and costs, a sufficient penalty for the bare technical breach of a recognizance, and they therefore recommend the passage of the accompanying act.